

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TONI KUKOC,

Plaintiff,

v.

BANCA SVIZZERA ITALIANA and
EFG INTERNATIONAL AG,

Defendants.

Case No.:

NOTICE OF REMOVAL BY DEFENDANT
BANCA SVIZZERA ITALIANA

(Pursuant to 28 U.S.C. §§ 1441(a) & (b),
1446(a) & (b), and 28 U.S.C. §§ 1332(a) -
Diversity Jurisdiction)

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant Banca Svizzera Italiana (“BSI”) removes the action entitled *Toni Kucoc v. Banca Svizzera Italiana and EFG International AG*, which was filed in the Circuit Court of Cook County, Illinois and assigned Case No. 2022 CH 08293 (the “Action”), to the United States District Court for the Northern District of Illinois, Eastern Division, pursuant to 28 U.S.C. §§ 1332(a), 1441, and 1446. As grounds for removal, BSI states as follows:

REMOVAL IS TIMELY

1. Plaintiff filed his Complaint and Jury Demand (“Complaint”) on August 23, 2022. (Exhibit A, Complaint.)
2. On January 4, 2023, Plaintiff served BSI with a summons. (Exhibit B, Process of Service of Summons.)
3. This Notice of Removal has been filed within thirty (30) days of the date BSI was served with the summons in this matter.
4. Removal is therefore timely in accordance with 28 U.S.C § 1446(b).

THE COURT HAS REMOVAL JURISDICTION OVER THIS ACTION

5. This Action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332(a), and which may be removed to this Court by either/both Defendant(s) pursuant to 28 U.S.C. § 1441(a) in that there is complete diversity of citizenship and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

6. Plaintiff is an individual domiciled in Highland Park, Illinois and is a citizen of the State of Illinois. (*See* Ex. A at ¶ 5.)

7. Defendant BSI is a citizen of the foreign state of Switzerland. BSI is a Swiss Bank “Société Anonyme” with its principal place of business in Lugano, Switzerland and organized under the laws of Switzerland. (Ex. A at ¶ 6.)

8. Defendant EFG International AG (“EFG”) is a citizen of the foreign state of Switzerland. EFG is a Swiss Private Bank “Aktiengesellschaft” with its principal place of business in Zurich, Switzerland and organized under the laws of Switzerland. (Ex. A at ¶ 7.)

9. Thus, neither BSI or EFG is a citizen of the State of Illinois, and there is complete diversity of citizenship between Plaintiff and the Defendants in this Action.

10. In the Prayer for Relief, Plaintiff seeks an “award of compensatory damages to be established at trial, including, but not limited to, the value of the money that was misappropriated and encumbered from Kukoc’s BSI accounts by Banfi and BSI from 2004–2007.”

11. In the body of the Complaint, Plaintiff alleges that BSI aided in stealing over \$11,000,000.00 from Plaintiff’s accounts at BSI. (Ex. A. at ¶ 1.) Plaintiff alleges repeatedly throughout the Complaint that “millions of dollars” were stolen or misappropriated from his BSI accounts. (Ex. A. at ¶¶ 2, 3, 4, 14, 18, 25, 29, 57, 66, 87, 89.) Thus, the amount in controversy in the Action exceeds \$75,000.00, exclusive of interest and costs.

ALL OTHER PROCEDURAL REQUIREMENTS HAVE BEEN SATISFIED

12. On information and belief, Defendant EFG has not been served with a summons in this matter. On further information and belief, Defendant EFG would consent to the removal of the Action.

13. A copy of this Notice of Removal is being filed with the Circuit Court of Cook County, Illinois, and concurrently served on Plaintiff's counsel of record.

14. Pursuant to 28 U.S.C. § 1446(a), no other process, pleadings or orders have been served upon BSI.

15. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because the U.S. District Court for the Northern District of Illinois is the federal judicial district embracing the Circuit Court of Cook County, Illinois, where the Action was originally filed.

Dated: January 17, 2023

Respectfully submitted,

DEFENDANT BANCA SVIZZERA
ITALIANA

By: /s/ Jonathan S. Quinn
One of Its Attorneys

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CERTIFICATE OF SERVICE

Jonathan S. Quinn, an attorney, certifies that on January 17, 2023, he caused a copy of the **Notice of Removal** to be filed via this Court's CM/ECF System, and caused a copy of the same to be served via electronic mail upon:

Scott F. Hessel
Shessel@sperling-law.com

William M. Strom
wstrom@sperling-law.com

/s/ Jonathan S. Quinn